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02-05-1971 Memorandum to the Conference

Warren E. Burger
US Supreme Court Justice

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Supreme Court of the United States
Washington, D. C. 20543

February 5, 1971

CHAMBERS OF
THE CHIEF JUSTICE

Re: No. 79 -- Connell v. Higginbotham

MEMORANDUM TO THE CONFERENCE:

I have Judge Blackmun's memo of February 2 proposing an alternative treatment.

I would be quite willing to deal with the case on the basis of Justice Stewart's position implemented by Harry Blackmun's proposal. Justices Black, Douglas and Brennan do not agree.

Justices Harlan and White have already joined the Per Curiam. If they will join in the alternative disposition now suggested there will be a court for that result.

Regards,

